QUESTIONS BY COURT OF P.W. NO. 35 - MRS MARY E. SILVA DOPABJEE (Cd).

A. Leather whips and boards with iron along the borders, and there were very thick ropes for hanging up people and burning them, as well as many stones.

FURTHER QUESTIONS BY DEFENCE COUNSEL THROUGH COURT.

Q. The witness testified when she was brought into the room, she saw a thick rope for hanging people and burning them. Did you see anyone being hung up and burned?
A. I did not see by myself but the person in the room next to mine, in room No. 48, was burned. His legs and hands were burned and he told me about it. Therefore I knew the rope was for hanging people and burning.

Q. Do you know the name of the person in room No. 48?
A. I do not know his name. I only know he was from Chile, South America.

P.W. NO. 36 - CAPT RUDY CHOY

After the witness had been sworn, he was examined by the Prosecutor, as follows:

EXAMINATION BY PROSECUTOR.

Q. Will you tell the Court your full name?
A. Rudy Choy.

Q. Your age?
A. 36.

Q. And your address?
A. 5 Broadwood Road.

Q. And your present appointment?
A. I am attached to Land Forces, Hongkong.

Q. Were you ever arrested by the Japanese?
A. I was arrested sometime in May, 1943.

Q. By whom were you arrested?
A. Gendarme officers Yabuki and Kenemasa.

Q. You say they were Gendarme officers. How do you know they were gendarmes?
A. They told me they were gendarmes.

Q. Was that at the time of your arrest or some other time?
A. After my arrest.

Q. Whereabouts were you taken?
A. From my house at 5 Garden Terrace, top floor.

Q. Whereabouts, when you were arrested, were you taken?
A. I was taken to the present Supreme Court which was then the Headquarters of the Hongkong Gendarmerie.

Q. When you got there, were you further interrogated?
A. Yes.

Q. How many times?
A. Three times.

Q. Leaving that for the moment, how long were you kept altogether at the Supreme Court?
A. About a month.

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EXAMINATION OF P.W. NO. 36 - CAPT RUDY CHOY (Cont'd).

Q. I want you to tell me of the first of these interrogations. How were you treated apart from being asked any questions?
A. When I was asked questions, I denied the charges or whatever they accused me of and was tortured right away?

Q. What did this torture consist of?
A. In the first instance, I was given the water torture.

Q. How long did the water torture last, if you can remember?
A. I cannot tell you the time exactly, but as far as I can remember, it was off and on. When I got back to the cell, it was late in the afternoon. The torture started quite early in the morning.

Q. Do you know who poured the water at this water ~~torture~~ torture?
A. Yabuki.

Q. What was your condition when you returned to your cell?
A. I was more or less half conscious.

Q. While you were being tortured, will you tell me if you heard any other noises?
A. Yes.

Q. What did you hear?
A. A certain Mr Chester Bennett was also arrested that morning together with me. When I was in the torture room, I heard him screaming.

Q. From what you heard, can you tell me what was happening to Mr Bennett?
A. He was also undergoing the water torture.

Q. Tell me the next occasion when you were interrogated?
A. About a week later, I was taken out again. This time I was beaten with a very heavy rod.

Q. Who actually did the beating?
A. Also Yabuki.

Q. Approximately how long did it last?
A. I cannot tell you the time exactly because one could not then remember time. I should say from half to three-quarters of an hour.

Q. After this beating, what happened?
A. I was told to go back and think it over and to confess.

Q. What was your condition at this stage?
A. I was also more or less unconscious.

Q. You told me you were interro gated three times. Will you tell me about the third occasion?
A. The third occasion took place at Stanley.

Q. While you were at the Supreme Court, will you tell me what amount of food you got to eat in quantity only compared to what you got to eat outside?
A. Very poor food. I should say less than half of what I normally ate.

Q. What arrangements were made, as far as you could see, for medical treatment of the prisoners there?
A. As far as I could see, I don't think there was any adequate medical attention at all.

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EXAMINATION OF P.W.NO. 36 - CAPT RUDY CHOY (Cont'd).

Q. How did you know about that? Did you see it or what was your source of knowledge?
A. It was told to me by Bennett himself.

Q. What about the man Hyde?
A. You were referring to Hyde just now, were you not?

Q. No, Bennett.
A. Then I have got it all wrong. I am sorry.

Q. Tell me about Bennett?
A. He was arrested at the same time as I. When I got to the Gendarmerie Headquarters, about 20 minutes later he was brought in. He was taken away first and I should say a quarter-of-an-hour later, I was taken away.

Q. You told me he got one lot of water torture. I want you to tell me how he fared later in the gaol, leaving that aside?
A. I think he received a very bad septic ~~on the~~ foot after that torture.

Q. How did he get that septic foot?
A. Through struggling while receiving water torture.

Q. Do you know if he was given any medical treatment for that foot?
A. He was not given any medical treatment in the beginning, but six to seven days later, he was swollen so badly and he was taken away. I don't know if any medical treatment was given him or not.

Q. Now, Mr Hyde. How was he treated?
A. He must have received very bad treatment before I got in. He was not looking the same man. Subsequently, when I was there, he also received further tortures.

Q. I want you to tell me what he received, how you know he received it?
A. Usually, when he was taken out for interrogation, it was a long affair. When he got back in the evening, he looked haggard and fed-up. Whenever he had the chance, he always told me what kind of a treatment he had received.

Q. What I am interested in was what he told you on these occasions?
A. He told me he was badly beaten and also once or twice he was water tortured.

Q. While you were in this place, could you hear any noises from your cell?
A. Yes.

Q. What noises could you hear?
A. People screaming.

Q. Were these cries loud or subdued?
A. Usually loud and very often sounds of moaning.

Q. Did they occur often or rarely?
A. Often.

Q. You told me you knew where Noma's office was. Tell me roughly where it was?
A. He was then occupying the corner room on the first floor, facing the tramlines.

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EXAMINATION OF P.W. NO. 36 - CAPT RUDY CHOY (Cont'd).

Q. You have told me you knew the position of Noma's room. Was that something you knew at the time or something you have found out since?
A. I was told afterwards.

Q. If you care to, I want you to express an opinion as to whether or not, having regard to the position of Noma's room, these screams and sounds would have been audible to him?

Defence Counsel: Mr President, I object to the question which the Prosecutor is putting to the witness.

President: The witness is merely being asked what he can tell from his own senses, since he knew where Noma's room was and where the cells were, whether he could hear the sounds. Anyway, we are going to see the place and we can ask him that when we get down there.

The Prosecutor continues his examination.

Q. You have mentioned that Hyde and Edmonston and Bennett received torture. Did they ever tell you, any of them, who was responsible for these things?
A. We always referred to the officer-in-charge of the case. At that time, it was Yabuki and Kenemasa who were responsible for our arrest. It was either Yabuki or Kenemasa.

Q. This is hardly more than a formality. Could you tell me what was the purpose of that torture?
A. I think there are two versions of that thing, firstly, to find out more of what they already knew and, secondly, to give fear so that a person would confess.

Q. If you know, and I want you to think carefully and tell me, did any of these people ever confess to anything?
A. In my opinion, I think a lot of them confessed.

President: We don't want to know your opinion. Did you know or did you not know?
Witness: No, I am afraid not.

Prosecutor: Can you tell me what happened to Hyde and Edmonston and Bennett?
Witness: Hyde and Bennett were executed, while Edmonston died.

Q. Where did Edmonston die?
A. He died in Stanley Gaol.

Q. Did you know a man named George Kotwall?
A. Yes.

Q. Whereabouts was he while you were in the Supreme Court?
A. He was in the same room.

Q. How was he treated while he was there?
A. He was also badly treated.

Q. I want you to tell me what you mean by "badly treated?" How do you know it?
A. He was tortured a few times during the time I was there. Also he was not allowed to walk around freely like many of the other Chinese prisoners.

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EXAMINATION OF PW. NO. 36 - CAPT RUDY CHOY (Cont'd).

Q. If you know, what sort of torture was he given, and how was he given it?
A. On a few occasions, we could hear his voice screaming while under torture. That must have been the water torture and beatings. We knew more or less by the sound.

Q. Do you know what happened to George Kotwall?
A. He was also executed together with Hyde and Bennett.

Q. You told us earlier that the purpose of torture was to get people to confess and you told us Kotwall was tortured. Do you know if Kotwall confessed to anything?
A. I am afraid I don't know.

Q. Did you ever see any dogs at the Supreme Court?
A. I did not actually see any inside the building.

Q. Whereabouts did you see them?
A. I saw then outside, where the present Hongkong and Shanghai Bank garden is and which was attached to the Gendarmerie.

Q. What sort of dogs were they?
A. Big Alsatians.

Q. Were they just roaming around or did someone have them there?
A. They were not running around loose.

Q. Who had then there?
A. I am afraid I don't know.

Q. Did all the prisoners who were confined with you survive their imprisonment that you know of?
A. Of the Chinese, I am afraid I don't know. Fr Joy and Fr Casey, who were with me .....

Q. I don't want to know their names or faces or what. I only want to know if you know they survived?
A. Yes.

Prosecutor: I don't know if my friend wishes to cross-examine before we go to the Supreme Court or after we return.

Defence Counsel: I am quite prepared to meet your wishes.

ADJOURNMENT

At 1245 hours, the Court adjourned until 1430 hours.

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RESUMPTION

At 1430 hours, the Court reassembled pursuant to adjournment at the Supreme Court in the presence of the Prosecutor, Defence Counsel, Accused, Advisory Officer and Interpreter.

P.W. 36 - CAPT. RUDY CHOY

FURTHER QUESTIONS BY PROSECUTOR:

Q. First of all, I want you to show us the interrogation room where you were interrogated.
Witness points out several places in the verandah which were bricked in to form separate rooms and states that interrogation and torture were done there.

Q. Besides the partitions was there any roof?
A. No.

At the request of the Prosecutor, witness next conducts the party to the cells.

Q. Will you tell me again what was the number of persons kept in this enclosure?
Witness points out the cells and states that 40-70 people were imprisoned.

The Court notes that the dimensions of the first cell are 12 feet x 15 feet. There are four other cells of approximately 8 feet x 6 feet each.

Q. Roughly how were these 40-70 people distributed in these cells?
A. The more important prisoners were kept in the small cells, sometimes one, two or three in each. We had roughly about 20 to 25 in the big one. The remainder were made to squat outside the cells.

Q. Were the people out in this open portion of one sex?
A. Mixed, male and female.

Q. What about the big cell?
A. When I was there, there were only males.

Q. Did all the prisoners here in this gaol with you survive their imprisonment?
A. No.

Q. How many did not?
A. I know perfectly of one man who died next to me while I was in that large cell. Other deaths were reported but I did not see them.

Q. How many deaths were reported?
A. There were about two or three during that month.

Q. Do you know what the man died of who died next to you in the large cell?
A. I am afraid I don't know. He died two days after I entered.

Q. Will you now take us to Col. Noma's Office?
Withness conducts the Court to Col. Noma's office in the north-east corner of the building.

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CROSS-EXAMINATION OF P.W. No. 36 - CAPT. RUDY CHOY

Q. Did you know that this was Col. Noma's room while you were imprisoned here?
A. No.

Q. Did you know that the entrance to the room was opened or closed?
A. No.

The Court orderly was sent down with the Advisory Officer and a member of the Court, Capt. Gorely, to shout from the spot where the interrogation cell is said to have been. The Court notes that no sound was heard.

Q. What was the position like when you were tortured?
A. I am afraid it is rather hard to describe that. How do you mean my position? Feeling or what?

Q. Lying down.
A. I was tied to a ladder hands and feet with clothes off. A handkerchief was put over my face and buckets of water were poured on me.

QUESTIONS BY COURT

Q. Tell me, if you can, what was the volume of traffic like at the time you were in gaol compared to right at this moment?
A. At that time there was practically no traffic. There were very few trams running, very few motor-cars, and there were hardly any people walking along this street.

Q. What time of the day was it mostly that you heard these screams in the interrogation room?
A. At various times. Time was immaterial to them. They tortured people at all hours.

Q. Were there as many automobiles and trams running then as they are now?
A. No; hardly any comparison between then and now.

Q. How did the noise compared then to what it is now?
A. I should say roughly about 10 to 20 percent.

Q. You mean it was 10-20 per cent. of what it is now?
A. 10-20 per cent. less.

ADJOURNMENT

At 1450 hours the Court adjourned.

RESUMPTION

At 1520 hours the Court re-assembled pursuant to adjournment in the Court Room. Present: The same members as at adjournment.

P.W. NO. 37 - WU WAI.

After he had been sworn, Witness was examined by the Prosecutor as follows:

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